

(Floor Report.)

Austin, Texas, March 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 2, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experiment Station in Tom Green and El Paso counties, and making the necessary appropriation therefor,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Mayfield, Chairman; Willacy, Kellie, Cofer, Murray, Perkins, Paulus, Holsey.

FOURTH DAY.

Senate Chamber,
Austin, Texas,

Thursday, March 18, 1909.

Senate met pursuant to adjournment, President Pro Tem. Brachfield presiding.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Peeler.
Brachfield.	Perkins.
Cofer.	Real.
Greer.	Senter.
Hayter.	Stokes.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Mayfield.	Willacy.
Meachum.	

Absent.

Bryan.	Veale.
Harper.	Weinert.
Masterson.	

Absent—Excused.

Paulus. Sturgeon.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

EXCUSED.

On account of important business:
Senator Mayfield for Tuesday and yes-

terday, on motion of Senator Hudspeth. Senator Real for Monday and yesterday, on motion of Senator Alexander. Senator Terrell of McLennan for today and tomorrow, on motion of Senator Holsey.

On account of sickness:

F. P. Smith, Engrossing Clerk, for today and until he gets better, on motion of Senator Cofer.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives;
Austin, Texas, March 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 1, A bill to be entitled "An Act making an appropriation to defray the contingent expenses of the First Called Session of the Thirty-first Legislature of the State of Texas."

Senate bill No. 3, A bill to be entitled "An Act making appropriation to pay per diem pay of members and per diem of officers and employes of the First Called Session of the Thirty-first Legislature of the State of Texas, convened March 13, 1909, by proclamation of the Governor, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS AND RESOLUTIONS.

By Senator Ward:

Senate bill No. 19, A bill to be entitled "An Act defining land suits, providing for the compulsory attendance upon the trial of such suits, of witnesses residing or who may be found outside of the county in which such suit is pending, and for the production by such witnesses upon the trial of such suit of books, papers and other evidence in or subject to the custody, control or possession of such witnesses, and for mileage and per diem of such witnesses, and for collection and payment thereof; providing for compulsory process to enforce such attendance of such witnesses and prescribing fees for service thereof, and compensation thereof; prescribing penalties for violation of the provisions of this act, and for the enforcement of such penalties; making this act cumulative of existing laws; making an appropriation to carry the provisions of

this act into effect, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Hume:

Senate bill No. 20, A bill to be entitled "An Act to validate sales of real estate within this State, heretofore made by foreign executors of wills probated in any of the States of the United States."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Cofer:

Senate bill No. 21, A bill to be entitled "An Act to amend Article 2534 and Article 2535, Title 49 of the Revised Civil Statutes of 1895, relating to appeals in cases of forcible entry and detainer, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Cofer:

Senate bill No. 22, A bill to be entitled "An Act to amend Article 2256, Chapter 31, Title 39 of the Revised Civil Statutes of 1895, relating to appeals to the District Court in probate cases, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

Morning call concluded.

By unanimous consent, after the morning call had been concluded:

By Senator Hudspeth:

Senate bill No. 23, A bill to be entitled "An Act to provide a system of electric power, electric lights and water works for the purpose of supplying electric power, electric lights and water to the State Capitol, the General Land Office, Governor's Mansion, State University and the various public institutions of the State of Texas in the city of Austin and adjacent thereto; to create a board with authority to construct or have constructed or purchase and put in operation the necessary property, machinery and plant for such purpose, and with authority to lay mains and pipes and to erect poles and place wires across and along streets and alleys, public grounds and public highways in the city of Austin, and public roads adjacent thereto, and to secure from the owners, by purchase or condemnation proceedings, if necessary, the right to lay such mains and pipes and erect such poles and place such wires across private lands; to provide for the operation of such plant, to make an appropria-

priation therefor, and to declare an emergency."

Read first time, and referred to Committee on State Affairs.

By Senator Cofer:

Senate bill No. 24, A bill to be entitled "An Act declaring corporations, receivers or other persons operating railroads in this State to be liable to employees for injuries received through the negligence of such employer, officer, agent or servant, or, in case of death from such injury, to be liable to the surviving widow, and children and mother and father of the deceased, and if none then of the next of kin dependent upon such employees; prescribing the effect of contributory negligence and assumed risk upon the right of recovery; declaring void any contract, rule or regulation intended to enable the employer to limit liability; also providing that employer shall be entitled to set off against any claim any sum contributed by such employer to a fund provided for such cases, and which was actually paid to the injured party; also that nothing in this act shall impair any right under any other law of this State or of the United States, or in any way interfere with any proceeding now pending in any court, and declaring an emergency."

Read first time, and referred to Committee on Internal Improvements.

By Senators Brachfield and Harper:

Senate bill No. 25, A bill to be entitled "An Act providing conditions upon which fire insurance companies shall transact business in this State, and providing for the regulation and control of rates of premium on fire insurance, and to prevent discrimination therein; and to create a Fire Insurance Rating Board, and to provide penalties for violations of this act, and declaring an emergency."

Read first time, and referred to Committee on Insurance, Statistics and History.

By Senators Meachum, Stokes, Mayfield, Alexander and Harper:

Senate bill No. 26, A bill to be entitled "An Act to amend Sections 6 and 11 of Chapter 94 of the Acts of the Twenty-eighth Legislature, page 119, entitled 'An Act to define, prohibit and declare illegal trusts, monopolies and conspiracies in restraint of trade, and to prescribe penalties for forming or being connected with such trusts, monopolies and conspiracies, and to provide for the suppression of the same, and to pro-

mote free competition in the State of Texas, and to repeal all laws in conflict therewith, providing venue; providing punishment for violations thereof; fixing compensation, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

SENATE BILL NO. 2.

The Chair laid before the Senate, on second reading, and pending business,

Senate bill No. 2, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experiment Station in Tom Green and El Paso counties, and making the necessary appropriation therefor."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time, and Senators Alexander and Harper offered the following amendment:

Amend the bill by striking out of line 3, Section 3, page 1, the word "thirty" and insert the word "ten."

Senator Holsey moved that the amendment and the bill be laid on the table subject to call, and

Senator Hudspeth moved to table the motion to lay on the table subject to call, which motion was adopted by the following vote:

Yeas—19.

Adams.	Murray.
Alexander.	Peeler.
Cofer.	Perkins.
Harper.	Real.
Hayter.	Senter.
Hudspeth.	Terrell of Bowie.
Hume.	Ward.
Kellie.	Watson.
Mayfield.	Willacy.
Meachum.	

Nays—4.

Brachfield.	Holsey.
Greer.	Stokes.

Absent.

Bryan.	Veale.
Masterson.	Weinert.

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

Action recurred on the amendment by Senators Alexander and Harper, which was adopted.

Senator Willacy offered the following amendment, which was read and adopted:

Amend by striking out the word "fifteen," in Section 2, and insert the word "fifty."

Bill read second time, and ordered engrossed.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Hudspeth.	Terrell of Bowie.
Hume.	Ward.
Kellie.	Watson.
Mayfield.	Willacy.

Nays—1.

Holsey.

Absent.

Bryan.	Veale.
Masterson.	Weinert.

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

The bill was read third time, and passed by the following vote:

Yeas—22.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Hudspeth.	Terrell of Bowie.
Hume.	Ward.
Kellie.	Watson.
Mayfield.	Willacy.

Nays—1.

Holsey.

Absent.

Bryan.	Veale.
Masterson.	Weinert.

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SIMPLE RESOLUTION.

By Senator Terrell of Bowie:

Whereas, There has been a general demand for copies of the Senate Journal of March 13, which contains the proceedings leading up to the expulsion of H. Bascom Thomas, therefore,

Be it resolved, That 8000 copies of the Senate Journal of that date be published for distribution among the people of Texas, that they might become familiar with the cause that lead up to the action of the Senate in expelling him.

The resolution was read and adopted.

SENATE BILL NO. 7.

Senator Adams called for Senate bill No. 7, and

On motion of Senator Adams, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—21.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Terrell of Bowie.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Willacy.
Mayfield.	

Nays—1.

Holsey.

Absent.

Bryan.	Veale.
Masterson.	Weinert.
Stokes.	

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

The Chair laid before the Senate, on second reading,

Senate bill No. 7, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experiment Station in the Twenty-

sixth Senatorial District, composed of the counties of Brown, Coleman, Concho, Comanche, Erath, San Saba, Llano, McCulloch and Runnels, and making the necessary appropriation therefor, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time, and

Senator Watson offered the following amendment, which was read and adopted:

Amend the bill by striking out the word "fifteen," in line 3, Section 3, and inserting the word "five."

ADAMS,
ALEXANDER,
WATSON.

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by striking out the word "fifteen" before the word "acres," in Section 2, and insert the word "fifty."

ALEXANDER,
WILLACY.

Bill read second time, and ordered engrossed.

On motion of Senator Watson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Willacy.
Mayfield.	

Nays—1.

Holsey.

Absent.

Bryan.	Veale.
Masterson.	Weinert.
Perkins.	

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

The bill was read third time, and passed by the following vote:

Yeas—21.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Cofer.	Real.
Harper.	Senter.
Greer.	Stokes.
Hayter.	Terrell of Bowie.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Willacy.
Mayfield.	

Nays—1.

Holsey.

Absent.

Bryan.	Veale.
Masterson.	Weinert.
Perkins.	

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

Senator Watson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 5.

Senator Mayfield called for Senate bill No. 5.

On motion of Senator Mayfield, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—19.

Adams.	Murray.
Alexander.	Peeler.
Brachfield.	Perkins.
Cofer.	Real.
Hayter.	Senter.
Hudspeth.	Stokes.
Hume.	Terrell of Bowie.
Kellie.	Watson.
Mayfield.	Willacy.
Meachum.	

Nays—3.

Greer.	Holsey.
Harper.	

Absent.

Bryan.	Ward.
Masterson.	Weinert.
Veale.	

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

The Chair laid before the Senate, on second reading,

Senate bill No. 5, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experiment Station to be located in the Twenty-seventh Senatorial District, composed of Bosque, Coryell, Hamilton and Bell counties, and making the necessary appropriation therefor, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Senator Willacy offered the following amendment, which was read and adopted:

Amend by inserting after the word "station," in line 3, Section 2, the following: "To consist of not less than fifty acres."

WILLACY,
ALEXANDER.

Senator Willacy offered the following amendment, which was read and adopted:

Amend by striking out the figures "\$10,000," in line 3 of Section 3, and insert in lieu thereof the following: "\$5000."

WILLACY,
ALEXANDER.

Bill read second time, and ordered engrossed.

On motion of Senator Mayfield, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—20.

Adams.	Murray.
Alexander.	Peeler.
Brachfield.	Perkins.
Cofer.	Real.
Hayter.	Senter.
Hudspeth.	Stokes.
Hume.	Terrell of Bowie.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Willacy.

Nays—3.

Greer.	Holsey.
Harper.	

Absent.

Bryan.	Veale.
Masterson.	Weinert.

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

The bill was read third time, and passed by the following vote:

Yeas—20.

Adams.	Murray.
Alexander.	Peeler.
Brachfield.	Perkins.
Cofer.	Real.
Hayter.	Senter.
Hudspeth.	Stokes.
Hume.	Terrell of Bowie.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Willacy.

Nays—3.

Greer.	Holsey.
Harper.	

Absent.

Bryan.	Veale.
Masterson.	Weinert.

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

Senator Mayfield moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 13.

Senator Watson called for Senate bill No. 13, and

Senator Watson moved that the Senate rule requiring committee reports to lie over for one day be suspended, for the purpose of considering this bill (see Appendix for committee report).

The roll call showed no quorum, the following Senators answering to their names:

Alexander.	Murray.
Brachfield.	Peeler.
Cofer.	Perkins.
Harper.	Senter.
Holsey.	Stokes.
Hayter.	Terrell of Bowie.
Hudspeth.	Ward.
Kellie.	Watson.
Mayfield.	Willacy.
Meachum.	

Absent.

Adams.	Masterson.
Bryan.	Real.
Greer.	Veale.
Hume.	Weinert.

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

Senator Watson moved a call of the Senate for the purpose of securing a quorum. The motion was seconded.

The roll was called, the following Senators answering to their names, a quorum being present:

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Cofer.	Perkins.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Terrell of Bowie.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Willacy.
Mayfield.	

Absent.

Bryan.	Real.
Greer.	Veale.
Masterson.	Weinert.

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

Action then recurred on the motion to suspend the Senate rule requiring committee reports to lie over for one day, for the purpose of considering Senate bill No. 13.

The motion was adopted by the following vote:

Yeas—18.

Adams.	Murray.
Alexander.	Peeler.
Cofer.	Perkins.
Hayter.	Real.
Hudspeth.	Stokes.
Hume.	Terrell of Bowie.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Willacy.

Nays—3.

Brachfield.	Holsey.
Harper.	

Absent.

Bryan.	Senter.
Greer.	Veale.
Masterson.	Weinert.

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

The Chair laid before the Senate, on second reading,

Senate bill No. 13, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricul-

tural Experiment Station in the Nineteenth Senatorial District, and making the necessary appropriation therefor, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time, and Senator Willacy offered the following amendment, which was read and adopted:

Amend by striking out the word "fifteen," in line 4, Section 2, and insert in lieu thereof the word "fifty."

ALEXANDER,
WILLACY,
MEACHUM.

Senator Willacy offered the following amendment, which was read and adopted:

Amend by striking out the words "fifteen thousand," in Section 3, and insert in lieu thereof the words "five thousand."

ALEXANDER,
WILLACY,
MEACHUM.

Bill read second time, and ordered engrossed.

On motion of Senator Watson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—19.

Adams.	Peeler.
Alexander.	Perkins.
Cofer.	Real.
Hayter.	Senter.
Hudspeth.	Stokes.
Hume.	Terrell of Bowie.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Willacy.
Murray.	

Nays—3.

Brachfield.	Holsey.
Harper.	

Absent.

Bryan.	Veale.
Greer.	Weinert.
Masterson.	

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

The bill was read third time, and passed by the following vote:

Yeas—19.

Adams.	Cofer.
Alexander.	Hayter.

Hudspeth.	Real.
Hume.	Senter.
Kellie.	Stokes.
Mayfield.	Terrell of Bowie.
Meachum.	Ward.
Murray.	Watson.
Peeler.	Willacy.
Perkins.	

Nays—3.

Brachfield.	Holsey.
Harper.	

Absent.

Bryan.	Veale.
Greer.	Weinert.
Masterson.	

Absent—Excused.

Paulus.	Terrell of
Sturgeon.	McLennan.

Senator Watson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

REASONS FOR VOTING.

I vote no, and my reasons are these: I am opposed to locating experimental stations at present in the central black land belt of Texas. I believe there should be four experimental stations, to be located by the Agricultural and Mechanical College Board, and that they should be located in the west or arid portions of the State, and that a sufficient appropriation should be made to improve and make a perfect experimental farm of the two thousand acres of land at the Agricultural and Mechanical College, and to maintain those in other parts of the State as they should be.

HOLSEY.

SENATE BILL NO. 9.

Senator Hayter called for Senate bill No. 9, and.

Senator Hayter moved that the Senate rule requiring committee reports to lie over for one day be suspended, for the purpose of considering this bill (see Appendix for committee report).

The roll call on the above motion showed no quorum voting, the following Senators answering to their names:

Adams.	Hayter.
Alexander.	Hudspeth.
Brachfield.	Hume.
Cofer.	Kellie.
Harper.	Mayfield.

Meachum.	Senter.
Murray.	Stokes.
Peeler.	Terrell of Bowie.
Perkins.	Ward.
Real.	Watson.

Absent.

Bryan.	Veale.
Greer.	Weinert.
Holsey.	Willacy.
Masterson.	

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

Senator Peeler moved a call of the Senate, for the purpose of securing a quorum. The motion was seconded.

The roll was called, which showed a quorum present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Peeler.
Brachfield.	Perkins.
Harper.	Real.
Hayter.	Senter.
Holsey.	Stokes.
Hudspeth.	Terrell of Bowie.
Hume.	Ward.
Kellie.	Watson.
Mayfield.	Willacy.
Meachum.	

Absent.

Bryan.	Masterson.
Cofer.	Veale.
Greer.	Weinert.

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

Action then recurred on the motion to suspend the Senate rule requiring committee reports to lie over for one day, for the purpose of considering this bill.

The motion prevailed by the following vote:

Yeas—18.

Adams.	Peeler.
Alexander.	Perkins.
Hayter.	Real.
Hudspeth.	Senter.
Hume.	Stokes.
Kellie.	Terrell of Bowie.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Willacy.

Nays—3.

Brachfield.	Holsey.
Harper.	

Absent.

Bryan.	Masterson.
Cofer.	Veale.
Greer.	Weinert.

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

The Chair laid before the Senate, on second reading,

Senate bill No. 9, A bill to be entitled "An Act to provide for the establishment of an Agricultural Experiment Station to be located in the Thirty-first Senatorial District, composed of Denton, Montague and Wise counties, and making the necessary appropriation therefor, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Senator Alexander offered the following amendment, which was read and adopted:

Amend by striking out the figures "\$10,000," in line 3, Section 3, and insert in lieu thereof the following: "\$5000."

ALEXANDER,
WILLACY,
MEACHUM.

Senator Alexander offered the following amendment, which was read and adopted:

Amend by inserting after the word "station," in line 3 of Section 2 the following: "Which shall include not less than fifty acres."

ALEXANDER,
WILLACY,
MEACHUM.

Bill read second time, and ordered engrossed.

On motion of Senator Hayter, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—18.

Adams.	Peeler.
Alexander.	Perkins.
Hayter.	Real.
Hudspeth.	Senter.
Hume.	Stokes.
Kellie.	Terrell of Bowie.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Willacy.

Nays—3.

Brachfield. Holsey.
Harper.

Absent.

Bryan. Masterson.
Cofer. Veale.
Greer. Weinert.

Absent—Excused.

Paulus. Terrell of McLennan.
Sturgeon.

The bill was read third time, and
passed by the following vote:

Yeas—18.

Adams. Perkins.
Alexander. Real.
Hayter. Senter.
Hudspeth. Stokes.
Hume. Terrell of Bowie.
Kellie. Thomas.
Mayfield. Ward.
Meachum. Watson.
Murray. Willacy.
Peeler.

Nays—3.

Brachfield. Holsey.
Harper.

Absent.

Bryan. Masterson.
Cofer. Veale.
Greer. Weinert.

Absent—Excused.

Paulus. Terrell of McLennan.
Sturgeon.

Senator Hayter moved to reconsider
the vote by which the bill was passed,
and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 8.

The Chair laid before the Senate, on
second reading and pending business,

Senate bill No. 8, A bill to be entitled
"An Act to abolish the Department of
Public Health and Vital Statistics, and
to establish instead a State Board of
Health."

RECESS.

On motion of Senator Mayfield, the
Senate recessed until 3 o'clock today.

AFTER RECESS.

The Senate was called to order by
President Pro Tem. Brachfield.

EXECUTIVE MESSAGE.

The following message from the Gov-
ernor was received and read:

Executive Office,
State of Texas,

Austin, Texas, March 18, 1909.

To the Legislature:

By virtue of authority vested in me
by Section 40, Article 3 of the Constitu-
tion of the State of Texas, I hereby des-
ignate and present to you for your con-
sideration and for legislation the follow-
ing subjects and suggest legislation
thereon:

1. To regulate and fix the passenger
fares on all railroads in this State, and
to provide for the redemption of all rail-
road tickets sold.

2. To enact adequate laws and amend
existing laws relative to the rendition
and assessment of all taxable property
and the equalization thereof for taxa-
tion in this State, and to provide ap-
propriate penalties and venue.

3. Appropriate legislation for the re-
imbursement of the permanent county
school fund of counties in which the
same has been impaired or squandered
and the complete rehabilitation, protec-
tion and preservation of the permanent
school fund of counties in the future.

4. To enact laws making appropri-
ations for the necessary funds for the
protection and security of the public free
school lands and other public lands be-
longing to the State, and to better en-
able the State to recover such lands from
trespassers and unlawful occupants; and
to enact laws to secure the personal at-
tendance of witnesses on the trial of
causes instituted by the State for the
recovery of all such public lands.

5. Such laws as will provide for all
necessary supervision, examination and
control of all banking corporations, and
banks doing business in this State other
than national banks.

6. Such legislation upon the subject
of life and fire insurance as will provide
adequate and safe insurance protection
for the people of this State, and as will
reduce the cost of insurance and also
the hazard of loss by fire.

7. Such laws as will provide suitable
penalties and venue for violations of the
Anti-Trust Laws of this State, and to
check the evils of unlawful monopolies
and combinations having for their ob-
ject the control of the necessities of life,
and the arbitrary advance or reduction
of prices thereof.

8. The enactment of laws to conform

the statutes of this State to the Federal statutes upon the subject of the liability of railroads and common carriers engaged in State and interstate commerce to their employes, and to fix venue in all personal injury cases.

9. To amend and strengthen our statutes regulating the granting of liquor licenses, and the revocation and cancellation thereof, and the regulation of the liquor traffic so as to secure the enforcement of said laws, and for such laws as will secure the enforcement of all laws respecting the liquor traffic in this State.

10. The enactment of laws to provide a system of electric power and lights and waterworks for the purpose of supplying electric power, electric lighting and water to the State Capitol, the General Land Office, the Governor's Mansion, the State University, and the various public institutions of the State, by the construction of the State's own plant or plants, or to contract for such electric power, electric lighting and water.

11. To amend the existing inheritance tax law and provide for the enforcement of sale, and laws providing for the collection of delinquent taxes upon property, real, personal and mixed.

12. Laws creating county courts for criminal cases, defining the jurisdiction thereof and providing for the appointment of judges of such courts.

T. M. CAMPBELL,
Governor of Texas.

SENATE BILL NO. 8.

Action recurred on Senate bill No. 8, which was unfinished business when the Senate recessed.

Senator Terrell of Bowie moved that the bill be considered by sections, which motion was adopted.

SIMPLE RESOLUTION.

By Senator Cofer:

Resolved, That Jack Hall be elected Assistant Engrossing Clerk, to perform not only such duties, but also such duties as he is now performing under appointment as one of the Senate clerks.

The resolution was read and adopted.

OATH OF OFFICE ADMINISTERED.

The Chair, President Pro Tem. Brachfield, here administered the constitutional oath of office to Mr. Hall as Assistant Engrossing Clerk.

SENATE BILL NO. 8.

Action then recurred on Section 1 of Senate bill No. 8.

Senator Hayter offered the following amendment, which was read and adopted:

Amend the bill by adding after the word "shall," page 3, line 21, the following:

"Respectively be the head and executive officer of his own department and shall."

Senators Alexander and Cofer offered the following amendment:

Amend the bill by inserting after the word "colleges," in line 11, page 3, the following: "At least one of whom shall be from some one of the minor schools of medicine."

Senator Murray offered the following amendment to the amendment:

Amend the amendment by adding: "And one shall be a horse doctor."

Senator Harper raised the point of order on the amendment to the amendment, contending that it was not germane to the measure it sought to amend.

The Chair sustained the point of order.

Senator Terrell of Bowie moved to table the amendment by Senator Alexander.

The roll call developed no quorum voting, the following being the roll call:

Yeas—12.

Adams.	Peeler.
Brachfield.	Perkins.
Harper.	Senter.
Holsey.	Terrell of Bowie.
Hudspeth.	Watson.
Meachum.	Willacy.

Nays—7.

Alexander.	Kellie.
Cofer.	Murray.
Greer.	Ward.
Hayter.	

Absent.

Bryan.	Real.
Hume.	Stokes.
Masterson.	Veale.
Mayfield.	Weinert.

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

BILLS SIGNED.

The Chair, President Pro Tem. Brachfield, gave notice of signing, and did

sign, in the presence of the Senate, after their captions had been read, the following bills:

Senate bill No. 1, "An Act making an appropriation to defray the contingent expenses of the First Called Session of the Thirty-first Legislature of the State of Texas."

Senate bill No. 3, "An Act making appropriation to pay per diem pay of members and per diem of officers and employes of the First Called Session of the Thirty-first Legislature of the State of Texas, convened March 13, 1909, by proclamation of the Governor, and declaring an emergency."

ADJOURNMENT.

Senator Watson moved that the Senate adjourn until tomorrow morning at 10 o'clock.

The motion was adopted.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, March 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 11, A bill to be entitled "An Act to regulate the procedure in the appellate courts of this State, and to provide for the filing of the original statement of facts as a part of the record on appeal and writ of error, in all causes, on appeal or writ of error from all courts, both civil and criminal, with an emergency clause,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MEACHUM, Chairman.

Committee Room,
Austin, Texas, March 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 15, A bill to be entitled "An Act to amend Chapter 22 of Title 39 of the Revised Civil Statutes of Texas of 1895, by amending Article 2125 of said chapter, relating to citations in the sale of land by executors of the estates

of decedents, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MEACHUM, Chairman.

Committee Room,
Austin, Texas, March 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 10, A bill to be entitled "An Act to amend Article 1264 of the Revised Civil Statutes of 1895, and to fix the time of filing an answer in all cases where the defendant is cited by publication, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MEACHUM, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, March 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 6, A bill to be entitled "An Act to amend Article 3231, Chapter 11, Title 62 of the Revised Civil Statutes of Texas, 1895, relating to the verdict of justice in civil cases, so as to provide that in the trial of civil cases nine members of the jury concurring may render a verdict in the district court, and five jurors concurring may render a verdict in the county court and courts of justice of the peace, and repealing all laws and parts of laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

MEACHUM, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, March 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 6, A bill to be entitled "An Act to amend Article 3231, Chapter

11, Title 62 of the Revised Civil Statutes of Texas, 1895, relating to the verdict of justice in civil cases, so as to provide that in the trial of civil cases nine members of the jury concurring may render a verdict in the district court, and five jurors concurring may render a verdict in the county court and courts of justice of the peace, and repealing all laws and parts of laws in conflict herewith,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass."

BRACHFIELD.

I recommend that the bill pass with limitation that it apply only to district courts.

COFER.

(Floor Report.)

Austin, Texas, March 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 9, A bill to be entitled "An Act to provide for the establishment of an Agricultural Experiment Station to be located in the Thirty-first Senatorial District, composed of Denton, Montague and Wise counties, and making the necessary appropriation therefor, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Mayfield, Chairman; Perkins, Willacy, Kellie, Murray, Cofer.

(Floor Report.)

Austin, Texas, March 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 5, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experimental Station to be located in the Twenty-seventh Senatorial District, composed of Bosque, Coryell, Hamilton and Bell counties, and making the necessary appropriation therefor, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to

the Senate with the recommendation that it do pass, and be not printed.

Mayfield, Chairman; Willacy, Perkins, Kellie, Murray, Cofer, Holsey.

(Floor Report.)

Austin, Texas, March 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 13, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experiment Station in the Nineteenth Senatorial District, and making the necessary appropriation therefor, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Mayfield, Chairman; Perkins, Holsey, Murray, Kellie, Willacy, Cofer.

(Floor Report.)

Austin, Texas, March 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 7, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experiment Station in the Twenty-sixth Senatorial District, composed of the counties of Brown, Coleman, Concho, Comanche, Erath, San Saba, Llano, McCulloch and Runnels, and making the necessary appropriation therefor, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Mayfield, Chairman; Perkins, Willacy, Holsey, Kellie, Cofer, Murray.

(Floor Report.)

Austin, Texas, March 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee of Public Health, to whom was referred

Senate bill No. 16, A bill to be entitled "An Act for the protection of stock and stock raising farmers and horticulturists from the danger of wolf bite, and the communication of the dangerous disease

of hydrophobia, and for the destruction of wolves and other wild animals, subject to the disease of hydrophobia, and to provide a means of paying for their destruction, and to make an appropriation for paying for their destruction and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

Hayter, Chairman; Kellie, Peeler, Murray, Perkins, Willacy, Hudspeth, Hume, Real.

Committee Room,
Austin, Texas, March 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 13, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experiment Station in the Nineteenth Senatorial District, and making the necessary appropriation therefor, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,
Austin, Texas, March 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 9, A bill to be entitled "An Act to provide for the establishment of an Agricultural Experiment Station to be located in the Thirty-first Senatorial District, composed of Denton, Montague and Wise counties, and making the necessary appropriation therefor, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,
Austin, Texas, March 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 5, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experiment Station to be located in the Twenty-seventh Senatorial District,

composed of Bosque, Coryell, Hamilton and Bell counties, and making the necessary appropriation therefor, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,
Austin, Texas, March 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 2, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experiment Station in Tom Green and El Paso counties, and making the necessary appropriation therefor,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,
Austin, Texas, March 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 7, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experiment Station in the Twenty-sixth Senatorial District, composed of the counties of Brown, Coleman, Concho, Comanche, Erath, San Saba, Llano, McCulloch and Runnels, and making the necessary appropriation therefor, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

FIFTH DAY.

Senate Chamber,
Austin, Texas,

Friday, March 19, 1909.

Senate met pursuant to adjournment, President Pro Tem. Brachfield presiding.

Roll call, quorum present, the following Senators answering to their names:

Adams.
Alexander.
Brachfield.
Bryan.
Cofer.
Greer.
Harper.
Hayter.
Holsey.
Hudspeth.

Kellie.
Mayfield.
Meachum.
Murray.
Peeler.
Perkins.
Real.
Senter.
Stokes.
Terrell of Bowie.